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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,816	11/19/2003	John T. Apostolos	D-4568D	7197
7590 09/09/2005				
Robert K. Tandler, Esq. 65 Atlantic Avenue Boston, MA 02110		EXAMINER ALSOMIRI, ISAM A		
		ART UNIT 3662 PAPER NUMBER		

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,816

Applicant(s)

APOSTOLOS, JOHN T.

Examiner

Isam Alsomiri

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Note: this application is a divisional of application 10/142,290, applicant has cancelled claims 6-15 on November 19, 2003. A new set of claims submitted by the applicant on August 30, 2004 includes claims 1-15; in view of above, it appears the inclusion of claims 6-15 were unintentional. Therefore, only claims 1-5 have been treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Lemelson et al. US 2001/0006372.

Referring to claim 1, Lemelson discloses in figures 1-2, a surveillance method, comprising the steps of: deploying a battery [34]-powered unit 20 having a spectrum analyzer (inherent for at least processing Radar/Ladar signals), a signal source recognition unit coupled to the spectrum analyzer and a transmitter for transmitting the results of the signal source recognition unit to a remote location (other units, see Abstract); and, receiving the transmittal signal at the remote location and providing an indication of the presence of a signal source such that the presence of an identifiable signal source can be made known (see Abstract, figures 3-4 see pages 2-4).

Referring to claim 2, Lemelson teaches including in the deployed unit a direction finding system for ascertaining the direction of an incoming signal from the signal source and for transmitting the direction of the incoming signal to the remote location (see figures 3 and 4 [68]).

Referring to claim 3, Lemelson teaches including in the deployed unit a geophysical location detection system 45 for determining the location of the deployed unit and for transmitting the determined location to the remote location, with transmissions from a number of deployed units permitting determination of the location of the signal source the signal of which is recognized by the signal source recognition unit (see figure 2).

Referring to claim 4, Lemelson teaches including in the deployed unit a direction finding system for ascertaining the direction of an incoming signal and a geophysical location detection system for ascertaining the location of the deployed unit, and, coupling the outputs of the direction finding system and the geographical location detection system to the transmitter, whereby with reports from a number of deployed units the location of the source of the incoming signal can be ascertained by triangulation (see figures 2-4 [45] [36] [68], pages 2-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al. US 2001/0006372 in view of Arnaud et al. US 4,743,110. Lemelson does not teach the claimed a single dual chirp generator and both a first dispersive delay line and a second dispersive delay line, with the two different chirps from the dual chirp generator matched to the respective delay lines, whereby power consumption is limited through the use of a single chirp generator thus to maximize the longevity of the battery powered unit deployed. Arnaud teaches the use of the claimed signal dual chirp generator having first and second dispersive delay lines (see figure 1 [13 and 14], Abstract). It would have been obvious to modify Lemelson's system to include the dual chirp generator of Arnaud for better sensitivity and detection the received targets.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isam Alsomiri

September 2, 2005


THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600